



P/4976-39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Darren James MANSFIELD et al.

Date: August 31, 2009

Serial No.: 10/588,985

Group Art Unit: 1625

Filed: October 12, 2006

Examiner: Morris, Patricia L.

For: 2-PYRIDINYLETHYLCARBOXAMIDE DERIVATIVES AND THEIR USE
AS FUNGICIDES

Mail Stop Amendment - Fee
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER

Sir:

This terminal disclaimer is submitted under Rule 321(c) to obviate a non-statutory double-patenting rejection over a co-pending application, which is being filed in response to an office action of June 30, 2009, in reference to the above-identified patent application.

Application Number 12/292,676 is assigned to Bayer CropScience S.A., a corporation organized under the laws of France, having its principal place of business at 15 Rue Jean-Marie Leclair, F-69009 Lyon, France. Bayer CropScience S.A. thus holds a 100 percent interest in both the above-identified application and Application No. 12/292,676 and disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant

Application No. 10/588,985
TERMINAL DISCLAIMER of August 31, 2009

application which would extend beyond the expiration date of the full statutory term, defined in 35 U.S.C. §§ 154, 156, and 173 as shortened by any terminal disclaimer filed prior to the grant, of any patent or patents granted on said Application No. 12/292,676. The owner agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent or patents granted on said Application No. 12/292,676 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 145 to 156 and 173, of any patent or patents granted on said Application No. 12/292,676, as shortened by any terminal disclaimer filed prior to its patent grant, in the event that such patent(s): (1) expire(s) for failure to pay a maintenance fee, (2) is (are) held unenforceable, (3) is (are) found invalid by a court of competent jurisdiction, (4) is (are) statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §§ 1.321, (5) has (have) all claims canceled by a re-examination certificate, (6) is (are) reissued, or (7) is (are) in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its (their) grant.


For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

Application No. 10/588,985
TERMINAL DISCLAIMER of August 31, 2009

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application of any patent issued thereon.

The fee of \$140 for a terminal disclaimer under 37 C.F.R. § 1.20(d) is requested to be charged to Deposit Account No. 15-0700. A duplicate copy of this page is enclosed.

Respectfully submitted,

 Reg. No. 30,754
for William O. Gray
Registration No. 30,944
Counsel for BAYER CROPSOURCE S.A.
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone (212) 382-0700